

REMARKS

Applicants request favorable reconsideration and allowance of the subject application in view of the preceding amendments and the following remarks.

Claims 1-31 are presented for consideration, with claims 1, 24, 29, and 31 being independent.

By this amendment, claims 1, 24, 29, and 31 have been amended to place them in better form, and the specification and the Abstract have been amended to correct typographical errors. Support for these amendments can be found in the specification, as originally filed. Therefore, no new matter has been added.

Claims 1, 24, 29, and 31 and the specification stand objected to because of inadvertent typographical errors. This objection has been obviated by the foregoing amendments to the claims and specification. Favorable reconsideration is requested.

Applicants note that independent claim 29 and claim 30 depending therefrom have been allowed. Claim 29 has been amended herein, merely to improve its form. This amendment is not being made for reasons related to patentability, and claims 29 and 30 are still believed to be allowable.

Claims 5, 6, and 14-16 were objected to but indicated as being allowable if rewritten in independent form. Applicants have maintained these claims in dependent form, as Applicants earnestly believe that the claims from which they depend are allowable, as discussed in more detail below.

Claims 1-3, 8, 13, and 17-21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,152,318 (Walker), and claims 24-26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 76,008 (Warner).

Additionally, claims 1-4, 8, and 17-28 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 1,216,031 (Wilcox) in view of U.S. Patent No. 6,763,960 (Oh), claims 7 and 31 stand rejected under 35 U.S.C. § 103 as being unpatentable over Wilcox in view of Oh and in further view of U.S. Patent No. 2,162,853 (Massey), and claims 9-12 stand rejected under 35 U.S.C. § 103 as being unpatentable over Walker in view of U.S. Patent No. 6,367,651 (Laib et al.). Applicants traverse these rejections.

Independent Claim 1

In one aspect of Applicants' invention, independent claim 1 recites a container including a bowl having a rim about its upper periphery and a lid having a lip. The lip has a continuous sealing bead about the periphery of the lid and at least one vent region. The lid is configured for attachment to the bowl in a plurality of different orientations. In a first orientation, the lid is attached to the bowl with the sealing bead in continuous contact with the rim along the entire perimeter of the rim, thereby sealing the container. In a second orientation, the lid is attached to the bowl with the sealing bead in contact with the rim along at least a portion of the perimeter of the rim and the at least one vent region providing ventilation of the container.

Applicants submit that many of these features are not taught or suggested by the cited art.

As shown in Fig 13, Walker relates to a lid 128 and storage container 126 with a two position double sealing structure. In a first position shown in Fig. 14b, a first projection 133 fits into a first channel 132 and a second projection 135 fits into a second channel 134. The mating of the first channel 132 with the first projection 133 seals the

storage container 126, by blocking a vent opening 136. In a second position, shown in Fig. 14a, the first projection 133 fits into the second channel 134 allowing the vent opening 136 to provide ventilation for the storage container 126. In this second position, the first channel 132, i.e., the portion of the lid 128 providing a seal for the container 126 in the first discussed position, does not contact the storage container 126. Accordingly, Applicants submit that Walker fails to teach or suggest at least a container including a second orientation in which the lid is attached to the bowl with the sealing bead in contact with the rim along at least a portion of the perimeter of the rim and the at least one vent region providing ventilation of the container, as recited in independent claim 1.

In addition, although the in-turned edge 129 is proximate to the storage container 126 in both the first and second positions, the in-turned edge 129 does seal the storage container 126 in the first position, because the edge 129 is located below the vent opening 136. Instead, as discussed above, the first channel 132 contacts the first projection 133 to seal the container in the first position, but the first channel does not contact the container 126 in the second position. Accordingly, Applicants' invention, as set forth in independent claim 1, recites features that patentably define the invention over Walker.

With regard to the Section 103 rejection of claim 1, i.e., based on Wilcox in view of Oh, the Examiner states that the sealing rim of Oh could be applied to the container of Wilcox with a reasonable expectation of success because the rim outer wall skirt 42 extends well below the plane level of the sealing bead. Applicants disagree.

Wilcox relates to a cigar package including a body of a container A and a cover B for the container. The cover B may be turned on the container A so that the perforations 13 in the flange of the cover are brought into and out of register with the

perforations 7 in the flange of the body of the container to regulate the amount of air admitted to the container. Oh relates to a child resistant closure and container that includes a lid 12 with a circumferential snap bead 54. The circumferential snap bead 54 cooperates with the circumferential snap lip 28 located on the inner surface at the top of the sidewall 18 of the container 14 to seal the container.

The Examiner suggests that the vent holes of Wilcox could be placed in the outer wall skirt 42 of the lid of Oh. However, merely placing vent holes in the outer wall skirt 42 could never provide ventilation for the container because the cooperation of the circumferential snap bead 54 and the circumferential snap lip 28 would always seal the container, thereby preventing air from inside the container ever reaching the suggested vent holes in the outer wall skirt 42. In addition, assuming vent holes could be placed in the outer wall skirt 42 with corresponding vent holes in the sidewall of the container that may be brought into and out of register with each other, this modification also would not be successful. Specifically, the circumferential snap bead 54 could never seal the container, because the circumferential snap bead 54 would be located above the vent holes. Even in a position where vent holes in the outer wall skirt 42 do not register with vent holes in the sidewall of the container, the circumferential snap bead 54 would not seal the container because air could escape through the vent holes in the sidewall, flow into the cavity between outer wall skirt 42 and the sidewall, and flow out of the vent holes in the outer wall skirt 42. Accordingly, Applicants' submit that suggested combination would not function properly, and therefore it would not have been obvious to combine the references in the manner suggested. Moreover, even if the art were combined in the manner

suggested, that combination would not teach or suggest Applicants' invention as recited in independent claim 1.

Applicants submit, therefore, that independent claim 1 recites patentable features of Applicants' invention that are neither taught nor suggested by Walker, Wilcox, and Oh, whether taken individually or in combination.

Independent Claim 24

In another aspect of Applicants' invention, independent claim 24 recites a container including a bowl having a rim about its upper periphery and a lid configured for attachment to the bowl in a plurality of different orientations. In a first orientation, the lid is attached to the bowl and forms a continuous seal with the rim along the entire perimeter of the rim, thereby sealing the container. In a second orientation, the lid is attached to the bowl, such that the sealing means contacts only a portion of the rim, so as to allow ventilation of the container. The second orientation of the lid is offset about the vertical axis relative to the first orientation of the lid.

Applicants submit that many of these features are not taught or suggested by the cited art.

Warner relates to fruit jars including a jar A and a stopple B with perforations *a*, *b*, and *c* formed in the neck or mouth of the jar, a gasket C, and the stopple B, respectively. By turning the stopple B so as to bring the perforations *c* in or out of line with the perforations *a* and *b*, a vent may be established for exhausting the jar or the jar may be sealed. However, Warner fails to teach or suggest at least a container including a first orientation in which a lid is attached to a bowl and forms a continuous seal with a rim along the entire perimeter of the rim, thereby sealing the container, and a second

orientation in which the lid is attached to the bowl, such that sealing means contacts only a portion of the rim, so as to allow ventilation of the container, as recited in independent claim 24. In Warner, each of the jar A, the stopple B, and the gasket C includes perforations, and none provides a continuous seal. Also, in Warner, providing ventilation involves aligning perforations in the stopple B with perforations in the gasket C and the jar A, not attaching a lid to the container such that the sealing means contacts only a portion of the rim, so as to allow ventilation of the container. According, Applicants request favorable reconsideration and withdrawal of the Section 102 rejection of independent claim 24.

Regarding the Section 103 rejection of independent claim 24, i.e., based on Wilcox in view of Oh, for reasons similar to those previously discussed with respect to independent claim 1, Applicants respectfully submit that there is not a reasonable expectation of success for the proposed combination, and therefore it would not have been obvious to combine the references in the manner suggested to arrive at Applicants' claimed invention. Moreover, even if so combined, the references would not teach or suggest features of the claimed invention.

Accordingly, independent claim 24 recites patentable features of Applicants' invention that define over Warner, Wilcox, and Oh. Applicants request favorable reconsideration and withdrawal of these rejections.

Independent Claim 31

In yet another aspect of Applicants' invention, independent claim 31 recites a container including a bowl and a lid attachable thereto. One of the bowl and the lid has a rim extending around the perimeter thereof, and the other of the bowl and the lid has a lip

with a continuous sealing bead for engagement with the rim. The rim includes at least one stepped portion having a height offset from a remainder of the rim. The lid is configured for attachment to the bowl in a plurality of different orientations. In a first orientation, the sealing bead is in continuous contact with the rim along the entire perimeter of the rim, thereby sealing the container. In a second orientation, the stepped portion of the rim does not contact the sealing bead, thereby providing ventilation of the container.

With respect to the Wilcox in view of Oh in further view of Massey rejection of independent claim 31, as similarly discussed above with respect to independent claim 1, Applicants submit that the proposed combination of Wilcox and Oh will not function to provide two claimed orientations, and thus Applicants' claimed invention would not have been obvious. Moreover, even if so combined, the combination still would not teach features of Applicants' invention. Because Massey was cited merely for teaching a recessed rim portion for providing ventilation, Massey fails to remedy the deficiencies of Wilcox and Oh discussed above. Thus, independent claim 31 recites patentable features of Applicants' invention that define over Wilcox, Oh, and Massey. Applicants request favorable reconsideration and withdrawal of the rejection.

Other Art

The final reference, Laib et al. was cited merely for teaching a container with raised ridges protruding from the base of the bowl. That patent is not understood to remedy the deficiencies of the other patents, discussed above.

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For the foregoing reasons, Applicants submit that independent claims 1, 24, and 31 recite patentable features of Applicants' invention that define over Walker, Warner, Wilcox, Oh, Massey, and Laib et al., whether those patents are taken alone or in combination. Accordingly, favorable reconsideration and withdrawal of rejections of the independent claims are requested.

The remaining claims depend from one of the independent claims, and are believed to be allowable by virtue of their dependency, as well as for reciting other patentable features of Applicants' invention. Favorable and independent consideration of the dependent claims are requested.

Applicants submit that this application is in condition for allowance. Withdrawal of the outstanding rejections and an early Notice of Allowance are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to the address given below for S.C. Johnson & Son, Inc.

Respectfully submitted,



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